

REMARKS:

At the time of the Final Office Action, claims 1-6, 8, 15, 17 and 19 were pending and considered by the Examiner. All of the pending claims stand rejected. Claims 1-6, 8, 15, 17 and 19 remain pending.

The claims stand rejected under 35 U.S.C. 103(a) as being unpatentable over Szonn (U.S. Patent No. 3,368,806), in view of Niese (U.S. Patent No. 5,303,526). This rejection is traversed for at least the following reasons.

In response to the Amendment submitted on June 29, 2006, the Examiner is still of the opinion that the combination of Szonn and Niese render the claims obvious. The Examiner recognizes that Niese provides an indentation in a bumper body for the purpose of providing means for attachment of an additional element to the bumper body. However, the claims recite only an indentation and not a means for attaching elements to the bumper. To accommodate this difference between the claimed invention and Niese, the Examiner improperly removes the attachment element of Niese (i.e., (20a)) to modify Szonn. As is well understood, there must be a basis in the art for combining or modifying references. References are not properly combinable or modifiable if their intended function is destroyed. If a reference teaches away from the claimed limitation, obviousness cannot be found.

Niese provides that each mount (18) includes a glide member (20) which is substantially noncompressible (col. 6, lines 25-29). Moreover, Niese goes on to say that in addition to facilitated interconnection of the panels (11), the slidable guide members (20) are rigid enough to protect the rubber material of a pad (24) during interconnection and disconnection of the floor sections (11) (col. 6, lines 42-46). Each of the mounts (18a) is rendered slidable with respect to the base (19) by a rigid glide member (20a) located below the apex portion (27) and embedded within the pad (24) (col. 7, lines 38-49). Thus, the glide member of Niese is an important part of the device described therein and one of ordinary skill in the art would not think to remove it as the device would no longer function in the manner intended. Without the glide member, the pad would not function as intended. Thus, it is respectfully argued that it is improper for the Examiner

to remove the glide member of Niese when considering the teachings thereof. For at least this reason, the claims are patentable over the proposed modification.

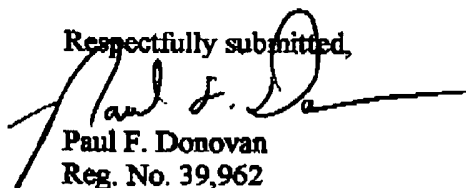
In addition, in the rejection, the Examiner opines that it would have been obvious at the time the invention was made for one skilled in the art to modify Szonn for the purpose of providing means for attachment of an additional element to the bumper body as desired. However, what does this have to do with the invention? The invention does not concern, nor is it desired according to the invention, to attach an additional element to the bumper body as taught by Niese. Accordingly, it is respectfully argued that this teaching of Niese is simply not relevant to the present invention as claimed.

Lastly, the claims further recite that the indentation defines a trapped sound area when the bumper device is subjected to a compressed state. The Examiner fails to point to any teaching in the prior art where this limitation is met. Simply saying it is so or finding it obvious is not enough. The Examiner's reliance on an indentation from Niese is improper for the reasons provided above. In sum, the indentation of Niese cannot be separated from the glide member. Even if one could argue that an indentation may inherently provide a trapped sound area, the claims recite additional structure to provide that the indentation defines a trapped sound area when the bumper device is subjected to the compressed state. Nowhere is this limitation found in the cited references. Thus, for at least these additional reasons, the claims are patentable over the suggested modification.

Reconsideration and allowance of all the pending claims is respectfully requested. As previously requested, given the extensive prosecution in this case, in the event that there are any remaining issues that need to be addressed, in order to expedite the prosecution of the subject application, the undersigned respectfully requests that the Examiner telephone him at the number provided below.

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Respectfully submitted,



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